



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Seventeenth day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.14577 of 2021

SHANMUGAM @ SAMBAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MALLUR POLICE STATION,
SALEM DISTRICT.
CRIME NO. 259 OF 2021

[RESPONDENT]

For Petitioner : M/S. L.P.SHANMUGASUNDARAM Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 429 of IPC and 3 of Explosive Substances Act, 1908 in Crime No.259 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has made crackers in order to hunt the pigs roaming in and around the locality, the said crackers were blasted in the garbage of the street nearby petitioner's house. Thereby, the petitioner's pet dog and other stray dogs, totally three dogs were died. Hence, the case was registered against the petitioner on the complaint made by the defacto complainant.

3.The learned counsel appearing for the petitioner submits that the defacto complainant's pet dog and other stray dogs had bitten some explosive substances in the garbage of the street nearby petitioner's



house and died. Since the dogs were died nearby petitioner's house, the petitioner has been roped in to this criminal case. However, on instructions he would further submits that without prejudice to his defence and contentions, the petitioner is ready to deposit a sum of Rs.10,000/- in favour of "The Dean, Veterinary College and Research Institute, Namakkal" for treating animals. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that three dogs were due to blasting of crackers. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has willfully and on his own volition agreed to pay contribute a sum of Rs.10,000/- for charitable purpose, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.6, Salem on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall make a non-refundable deposit of Rs.10,000/- in favour of "The Dean, Veterinary College and Research Institute, Namakkal" for treating animals under necessary acknowledgment without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner ;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;



(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.6, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MALLUR POLICE STATION,
SALEM DISTRICT.

5 THE DEAN,
VETERINARY COLLEGE AND RESEARCH INSTITUTE,
NAMAKKAL.

CC to M/S. L.P.SHANMUGASUNDARAM Advocate on payment of necessary charges

CRL OP.14577/2021

Date :17/08/2021

RW 02/09/2021